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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,949	02/01/2001	Hans-Erich Reinfelder	P96,0463 01	9129
26574	7590	03/03/2006	EXAMINER	
SCHIFF HARDIN, LLP PATENT DEPARTMENT 6600 SEARS TOWER CHICAGO, IL 60606-6473			GREENE, DANIEL L	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/773,949	REINFELDER ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Daniel L. Greene	3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 January 2006.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

### ***Response to Arguments***

Applicant's arguments filed 1/17/2006 have been fully considered but they are not persuasive. The Applicant argues that a unique feature of his invention is "... that the new and stored software components are combined without changing any code within the software components and without writing any adapters." The Applicant further states that the primary reference, Foody, teaches "directly away from the invention" REMARKS, 2nd paragraph. By citing the last sentence of the paragraph and ignoring the previous section that discloses the use of a dynamic link library.

A reference is to be considered not only for what it expressly states, but also for what it would reasonably have suggested to one of ordinary skill in the art. *In re DeLisle*, 160 USPQ 806 (CCPA 1969). Also, the Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Foody teaches "... that the new and stored software components are combined without changing any code within the software components and without writing any

adapters." As per Col. 7, lines 27-35, Col. 16, lines 10-33 and Col. 18, lines 39-54 in his discussion of dynamically loaded or the system can dynamically load and unload object systems adapters.

To further clarify the Foody reference, the Examiner presents the obvious meaning of "dynamic-link library" as per Microsoft Computer Dictionary, Fourth Edition, Copyright 1999, page 159, which states " n. A feature of the Microsoft Windows family of operating systems and OS/2 that allows executable routines to be stored separately as files with DLL extensions and to be loaded only when needed by a program. A dynamic-link library has several advantages. First it does not consume any memory until it is used. Second, because a dynamic-link library is a separate file, a programmer can make corrections or improvements to only that module without affecting the operation of the calling program or any other dynamic-link library. Finally, a programmer can use the same dynamic-link library with other programs."

Further, the prior art, Foody, does disclose the use of dynamically linked libraries (DLL) and the use there of to address the linking of inputs and outputs. Col. 16, lines 9-20, Col. 19, lines 8-50.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**2. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foody et al. U.S. Patent 5,732,270 [Foody] and further in view of Microsoft Computer Dictionary, Fourth Edition, Copyright 1999, page 159, [Microsoft] and Design Patterns, Elements of Reusable Object-Oriented Software Seventh Printing October 1996, pages 370-371. [Design}**

**3.**

As to claims 1, 5, 9, 10, 14 and 18:

The recitations that an object oriented computing system on a computer platform, an object oriented computing system on a computing system, a method for designing software components in an object oriented computing system, a storage medium including object oriented code having an object oriented computing system on a computer platform, a storage medium and a method for designing software components in an object oriented computing system having a storage medium including object oriented code, has not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a method, a system, an apparatus, etc. and the portion of the claim following the preamble is a self-contained description of the method or the system, etc., not depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 478 (CCPA 1951)

Foody et al discloses:

"objects comprising software components " (see col. 12, lines 32-36);

Foody discloses the claimed invention except for defining the operation of a dynamic-link library. However, Foody does as per Col. 7, lines 27-35, Col. 16, lines 10-33 and Col. 18, lines 39-54 disclose dynamically loaded or the system can dynamically load and unload object systems adapters.

To further clarify the Foody reference, the Examiner presents the obvious meaning of "dynamic-link library" as per Microsoft Computer Dictionary, Fourth Edition, Copyright 1999, page 159, which states " n. A feature of the Microsoft Windows family of operating systems and OS/2 that allows executable routines to be stored separately as files with DLL extensions and to be loaded only when needed by a program. A dynamic-link library has several advantages. First it does not consume any memory until it is used. Second, because a dynamic-link library is a separate file, a programmer can make corrections or improvements to only that module without affecting the operation of the calling program or any other dynamic-link library. Finally, a programmer can use the same dynamic-link library with other programs."

Microsoft teaches that it is known in the art to provide objects comprising software components which are dynamically loadable at runtime and which have dynamically linked named inputs and outputs stored on a memory of the computer system. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the dynamic-link library function of Foody with the description of Microsoft, in order to show the obviousness of the dynamically- link library of Foody and it's function.

Foody further discloses:

which have "dynamically linkable named inputs and outputs stored on a memory of the computer system" (see col. I, lines 60-67; see col. 2, lines 1-S; see col. 10, lines 39-49), and Microsoft Computer Dictionary, Fourth Edition, Copyright 1999, page 159, which states " n. A feature of the Microsoft Windows family of operating systems and OS/2 that allows executable routines to be stored separately as files with DLL extensions and to be loaded only when needed by a program. A dynamic-link library has several advantages. First it does not consume any memory until it is used. Second, because a dynamic-link library is a separate file, a programmer can make corrections or improvements to only that module without affecting the operation of the calling program or any other dynamic-link library. Finally, a programmer can use the same dynamic-link library with other programs."

4. Foody discloses the claimed invention except for said components also have internal tasks for queuing of data transferred into and out from the components via said inputs and outputs;. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have said components also have internal tasks for queuing of data transferred into and out from the components via said inputs and outputs since it is known in the art that said components also have internal tasks for queuing of data transferred into and out from the components via said inputs and outputs. For example Design Patterns, Elements of Reusable Object-Oriented Software Seventh Printing October 1996, pages 370-371. [Design}

Foody further discloses:

5. "an event communication framework providing automated, pattern-based, fully distributable events such that when a new dynamically loadable at runtime software component is loaded into said computer system also having dynamically linkable named inputs and outputs, the new software component inputs and outputs are all automatically linked to the inputs and outputs of the same name of said stored software components (Col. 16, lines 9-20, Col. 19, lines 8-50), so that the new and stored software components are combined without changing any code within the software components and without writing any adapters." (see Figure 2, an overview of the system architecture in accordance with preferred embodiment of the invention; see col. 8; lines 66-67; see col. 9, lines 1-27, Design, Pg. 370, *List*). One having the ordinary skill in the art at the time of the invention would have found it obvious that events specifies the operations to be performed on an object and object systems have application programs that communicate with their contained objects and abide by certain input and output rules.

As to claims 2, 6, 11 and 15:

Foody et al further discloses:

"wherein the inputs and outputs of the objects are provided via CsaConnectable and CsaRemote objects, respectively." (For example col. 10, lines 44-48). One having the ordinary skill in the art at the time of the invention would have found it obvious in that object systems abiding by input and output rules have application programs that name the file information at the beginning of a program.

As to claims 3, 7, 12 and 16:

Foody et al further discloses:

"wherein each data structure associated with the inputs and outputs is described in a separate header file which can be used by every object to be linked" (For example col. 10, lines 44-49).

Also, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to wherein each data structure associated with the inputs and outputs is described in a separate header file which can be used by every object to be linked since it is known in the art that wherein each data structure associated with the inputs and outputs is described in a separate header file which can be used by every object to be linked. For example The Waite Group's C Primer Plus- User-Friendly Guide to the C programming Language- Revised Edition, Fifth Printing 1988, page 333-334, Header Files: An Example.

As to claims 4, 8, 13 and 17:

Foody et al further discloses:

"wherein each object is a shared library which is dynamically linkable at runtime by an ASCII configuration filing names of the inputs and outputs of the objects" (For example col. 15, lines 41-60; see col. 19, lines 17-25; see col. 19, lines. 8-15).

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6,275,871 B1- Reinfelder et al. ASYCHRONOUS TRANSPORT OPTIMIZING OBSERVER-PATTERN-LIKE SYSTEM SUPPORTING SEVERAL MODES FOR AN INTERFACE DEFINITION LANGUAGE-LESS COMMUNICATION SUBSYSTEM.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 571-272-6707. The examiner can normally be reached on M-Thur. 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel L. Greene  
Examiner  
Art Unit 3621

2/15/2006

*Daniel L. Greene*  
PRIMARY EXAMINER